

Since 1958 Colombia has experienced a complex internal conflict involving multiple far-left and far-right illegal armed groups, criminal groups and government forces. Violations of the right to freedom of religion or belief (FoRB) in Colombia take two main forms: violations perpetrated by illegal armed groups, often specifically targeting religious leadership; and violations against religious minorities belonging to indigenous groups. Many indigenous groups experience both types of violations.

Legal framework

Colombia's constitution contains strong protections for FoRB. The right to conscientious objection due to religious beliefs was reaffirmed in a 2014 ruling by the Constitutional Court, after years of routine violations of this right by the military. Colombian courts have ruled that these FoRB as provided for in the constitution and international law do not extend to those living on indigenous lands where collective cultural rights take precedence. FoRB violations in indigenous communities are largely rooted in a 1998 Constitutional Court ruling that, in a split judgement, upheld the right of traditional authorities to enforce the observation of and participation in traditional religious beliefs and practices on indigenous reserves. The same court and lower courts have referred to the 1998 decision in subsequent FoRB cases, reaffirming the right of indigenous governors to prohibit the practice of 'non-traditional' religions on indigenous reserves.

Despite ample documentation of a pattern of attacks on communities of faith and their leaders throughout Colombia's decades-long internal conflict, the religious sector was excluded from the 2011 Law of Victims as a specific category of the population that was collectively affected.

Restrictions on FoRB

Human rights violations, including violations of FoRB, are common, especially in conflict zones or areas of the country with a significant presence of illegal armed groups. All actors in the country's internal armed conflict are responsible for serious human rights violations. Leftist groups have placed harsh restrictions on religious practice or prohibited it altogether in areas they control or where they have a strong influence, often for ideological as well as practical reasons. Right-wing neo-paramilitary groups and criminal groups also impose severe restrictions on religious practice, including limiting the ability of religious leaders to preach or teach freely, restricting freedom of movement, and threatening members of churches who refuse to cooperate with them. Churches are regularly subjected to extortion from armed groups on both the right and left, as well as organised criminal groups. Over the course of the conflict, thousands of religious leaders who have defied these restrictions and continued to carry out their work, either openly or clandestinely, have been targeted for assassination.

These groups also continue to enforce strict rules prohibiting freedom of expression and free movement in areas under

their influence, resulting in regular infringements of the rights to freedom of assembly and FoRB. Illegal armed and criminal groups on both the left and right often perceive the presence of a strong or growing church as a threat to their authority. This has led to the regular monitoring of the content of religious leaders' sermons and community outreach. In one example, in the city of Buenaventura, a major port on the west coast of Colombia, as part of a strategy to bring entire communities under their control illegal groups have banned churches from holding public prayer events and monitor the content of religious leaders' sermons in an attempt to minimise their impact within the communities and to coerce the cooperation of the religious leaders. In 2021 Bishop Rubén Darío Jaramillo received death threats as a result of his pastoral work supporting victims of crime and social injustice in Buenaventura. The priest was warned by an individual that they had been offered money to assassinate him. An audio message talking about the intention to bomb him also circulated on social media networks.

Despite the 30 November 2016 approval of a peace agreement between the government of Colombia and the FARC-EP by the Colombian Congress, and due to a number of factors, including slow and inconsistent implementation of the agreement by the government and splintering of FARC-EP factions against the agreement, the situation for Colombians living in many parts of the country remains unchanged. Illegal armed and criminal groups hold significant influence in or control parts of the country. These groups, which are composed of the various illegal left- and right-wing armed groups and criminal organisations, have driven the new phase of the conflict as they vie for territorial and market control. In some regions, for example, there has been an increase in clashes between the National Liberation Army (ELN), which holds an ideology based on Marxist-Leninism and liberation theology, and other neo-paramilitary or criminal armed groups, often suspected to be neo-paramilitaries or criminal groups, vying for control of the illicit economy in relation to narcotics, agricultural products, and mining. The Venezuela border area has become highly permeable, and some illegal armed and criminal groups, including the ELN, operate on both sides, with the tacit support for the regime of Nicolás Maduro in Venezuela.

Indigenous communities

Indigenous communities experience both conflict-related FoRB violations and FoRB violations committed by traditional authorities seeking to impose religious uniformity in their communities. In some communities the traditional authorities generally known as 'cabildos' have interpreted the 1998 Constitutional Court ruling to mean that they have the authority to define what traditional beliefs are, and to punish those who decline to profess or participate in their version of the traditional beliefs. This and subsequent rulings upholding the 1998 decision, have created an exception in Colombian law on FoRB. Indigenous Colombians do not enjoy the same rights as the rest of the

population in contravention of Colombia's international human rights obligations, leaving religious minorities in indigenous areas without protection for their right to FoRB, or legal recourse at the national level. Members of these communities who have converted to other faiths and beliefs or to none, and away from the religious beliefs and practices promoted by their leaders, may be arbitrarily detained, physically punished, excluded from certain benefits, or forcibly displaced.

Recommendations

To the government of Colombia:

- Address restrictions on FoRB imposed by all actors in the ongoing domestic conflict and provide security for communities in areas where illegal armed groups target and extort religious and community leaders.
- Ensure that the Office of the Attorney-General prioritises its investigations of killings of human rights defenders, including religious leaders.
- Continue to pursue peace agreements with all actors in the armed conflict and ensure that dialogues with all actors in the conflict include the protection of freedom of FoRB and freedom of conscience as a priority, calling for an end to all restrictions.
- Enact legislation that will protect freedom of religion or belief for all Colombians, including those living on indigenous lands.
- Amend of the Law of Victims to include the religious sector and initiate a thorough investigation into all FoRB violations perpetrated throughout the course of the country's internal conflict and up to the present day.

To the government of the United Kingdom:

- Urge the Colombian government to enact legislation that guarantees FoRB protections for all, including in indigenous territories, and reform Constitutional Court precedents to align with international FoRB obligations.
- Advocate for improved security measures to protect religious leaders and communities in areas controlled by illegal armed groups, ensuring they can operate without fear of violence or extortion.
- Ensure that peace dialogues between the Colombian government and armed groups include protections for FoRB, addressing restrictions and violence imposed by illegal actors.
- Push for amendments to the 2011 Law of Victims to recognize the religious sector as a collective victim, providing reparations for religious groups and leaders affected by violence.

- Collaborate with international partners, such as the UN and the EU, to monitor and advocate for FoRB in Colombia, ensuring that FoRB protections are integrated into peace agreements and international dialogues.

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